

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARIO ALDO SAUCEDA,

Movant/Defendant,

v.

CV 11-1052 JC/WPL
CR 10-0606 JC

UNITED STATES OF AMERICA,

Respondent/Plaintiff.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition and Mario Aldo Saucedo's objections thereto. (Doc. 73,¹ 76.) In his objections, Saucedo contends that his defense counsel's performance was constitutionally deficient because he did not object to the application of the Sentencing Guidelines and because he negotiated a plea agreement that relinquished all of Saucedo's rights. (Doc. 76 at 1-3.) After conducting a *de novo* review, I find these objections to be without merit. Saucedo also requests an evidentiary hearing. (*Id.* at 5.) Because his claims can be resolved on the basis of the record, a hearing is not necessary. *See Parker v. Scott*, 394 F.3d 1302, 1324 (10th Cir. 2005).

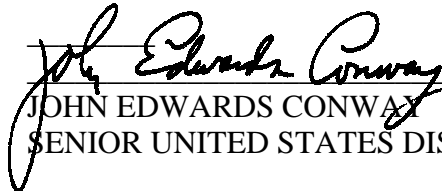
IT IS THEREFORE ORDERED that:

1) the Magistrate Judge's Proposed Findings and Recommended Disposition are adopted as an order of the Court;

2) the Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Doc. 65) is denied;

¹ All document number references are to CR 10-606 JC.

- 3) this cause is dismissed with prejudice; and
- 4) a certificate of appealability is denied.



JOHN EDWARDS CONWAY
SENIOR UNITED STATES DISTRICT JUDGE